

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MILAUDI KARBOAU,

Plaintiff,

v.

LOWELL CLARK,

Defendant.

CASE NO. C12-5045 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 33), and Plaintiff Milaudi Karboau’s (“Karboau”) Third Amended Complaint (Dkt. 35).

On May 7, 2013, Judge Strombom issued the R&R recommending that the Court dismiss Karboau’s complaint without prejudice and without leave to amend because Karboau has failed to file an acceptable complaint despite numerous opportunities and substantial guidance from the Court over the last eighteen months. Dkt. 33. On June 16, 2013, Karboau filed a Third Amended Complaint. Dkt. 35.

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 Even if the Court considered Karboau's Third Amended Complaint as proper
4 objections to the R&R, Karboau has failed to respond to Judge Strombom's guidance on
5 the due process claim. Instead, Karboau asserts seven causes of action that appear to be
6 duplicative of previously dismissed claims. Karboau has failed to adequately respond to
7 Judge Strombom's requests and has failed to show good cause for an extension or an
8 additional opportunity to file another amended complaint.

9 Therefore, the Court having considered the R&R, Karboau's Third Amended
10 Complaint, and the remaining record, does hereby find and order as follows:

- 11 (1) The R&R is **ADOPTED**; and
12 (2) Karboau's complaint is **DISMISSED without prejudice and without**
13 **leave to amend.**

14 Dated this 26th day of June, 2013.

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17 BENJAMIN H. SETTLE
18 United States District Judge
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